

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, May 2, 2017 – 7:00 PM

INVOCATION

Pastor Robert Rentler, New Covenant Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Eric R. Evans, Shawn M. Martell, Olga Negrón, Adam R. Waldron and J. William Reynolds, 7.

2. APPROVAL OF MINUTES

The Minutes of April 4, 2017 and April 18, 2017 were approved.

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 minute time limit)

*Dangerous Intersection/Bathgate and Westgate Drive*

Linda Ostrander, Lutheran Manor, 2085 Westgate Drive, mentioned she is at this meeting to discuss a persistent and dangerous problem they face every day. Ms. Ostrander expressed the fact that they are mostly seniors but there are also handicapped individuals who reside at Lutheran Manor. She expressed the problem is that the hospital is at the corner and Lutheran Manor is at the bisecting corner and the traffic at that corner has been a problem for years, and is getting worse. Many things have been tried and some remedies have been brought up there but they have not worked. Ms. Ostrander noted the population is in serious danger of being hurt or killed at that corner. We are here with people that she lives with and they are all at this meeting with letters that some have written to have their opinions known. They want the scope of the problem to be understood. Ms. Ostrander then read a letters from Darlene Bachert, Eleanor Reichenderfer, Melanie Buzzard, Charlie the dog (she mentioned they have quite a few service dogs in the building), about the problem with dangerous traffic at the crosswalk at the corner of Bathgate Road and Westgate Drive when trying to cross the street. She pointed out that they mainly go to Weis Food Market and the Westgate Mall and that it is a difficult place to cross; many drivers ignore the sign where walkers can cross and they have had a few close calls with drivers. Ms. Ostrander emphasized that this intersection is truly dangerous.

President Reynolds noted that Michael Alkhal, Director of Public Works and Police Chief Mark DiLuzio could have a conversation with the neighbors after this meeting.

Richard Harding, Lutheran Manor, 2085 Westgate Drive, informed he personally called State Senator Lisa Boscola's office and State Representative Daniel McNeil several times about this

dangerous intersection. This intersection is very unsafe for those who are on foot and do not drive. He highlighted that the traffic refuses to yield to pedestrians and it is a daily struggle to cross to the other side of the street. He personally has had many close calls and has fallen a few times trying to rush across. Mr. Harding informed there have been cones placed there and within days they have been knocked over, driven over, and destroyed. Unfortunately he does not drive and must cross over the street to do his shopping. Mr. Harding hopes this can be addressed before there is a fatality at the intersection.

Sharon Jones, Lutheran Manor, 2085 Westgate Drive, informed she will be reading a letter from Faye Anderko who informed she is a longtime resident at Lutheran Manor and pointed out that the traffic has become worse. She remarked that it is a shortcut from Schoenersville Road to Catasauqua Road that drivers take and it is difficult to cross the crosswalk. She also stated she is 90 years young and uses a mobility walker with a seat. She believes they need a safety light system like what is on Elizabeth Avenue by Moravian College.

#### *Ethics Ordinance*

Sebastian Zanierucha, 341B Spring Street noted that recently he became aware of an alternative Ethics Ordinance that was drafted and proposed by Councilwoman Olga Negrón that is more stringent than the current proposed Ethics Ordinance up for discussion tonight. It is his understanding that the Ethics Ordinance on the agenda tonight is that which is provided as a guidance document from the State of Pennsylvania for use in local governments. He remarked the State's version does not provide the fullest possible protection from vested interest potential influence on Council Member votes. Councilwoman Negrón's proposed Ethics Ordinance has identified and proposed further protection from vested interest by not only requiring a Council Member to state that they have received campaign funding from a donor, but also asks to set a monetary value to a contribution that would be considered large enough to potentially influence a member's decision in favor of them and thereby require them to abstain from the vote. Mr. Zanierucha informed that this value has not been made concrete and was proposed to the Council for consideration and debate. It is his understanding that a copy of Councilwoman Negrón's proposed Ordinance has been provided to all Council Members for review and has been reviewed and improved by the Council Solicitor. It is his understanding that there has been no prior motion to pass an Ethics Ordinance prior to Councilwoman Negrón drafting her version. Mr. Zanierucha stated it is his assertion that those Council Members in favor of passing the State Ethics Ordinance guidelines are doing so in an act to diminish the potential for Councilwoman Negrón's Ordinance from being passed. He requested Members of the Council who are in support of the States guidelines to voice their reasons for electing it as an Ordinance over what Councilwoman Negrón has proposed. He remarked silence is a show of support of Councilwoman Negrón and will further be made evident by voting against passing the State's version in anticipation of an agreed upon final version of Councilwoman Negrón's.

Barbara Diamond, 425 Center Street, stated she wanted to speak in favor of the Ordinance that was submitted in January that is now under review which she hopes Council will pass in the not too distant future. She wanted to thank Council Solicitor Spirk for a very thorough and careful reading and many helpful comments. Ms. Diamond advised there are still issues that need to be deliberated. She continued to say that a group of citizens spent over a year investigating and developing this Ordinance according to best practices and provided sources of expertise. We relied heavily on existing codes, especially Philadelphia's as recommended by

the State Ethics Commission Attorney Jeff Frankenger. Mr. Frankenger said the State statute is very weak. Ms. Diamond hopes Council will consider what has been proposed. She highlighted that it is not perfect; it is not done but put in Council's hands to massage and make it right for Bethlehem. Ms. Diamond pointed out that there are certain elements that are essential to promoting a strong ethical environment in our City government. These are the Code of Conduct, training, enhanced disclosure and ongoing advising for officials. Ms. Diamond expressed most key is oversight by an independent volunteer, non-partisan Board of Ethics. Passing Ordinances in a piecemeal manner is not effective nor is passing an Ordinance without an adequate budget. The other essential element is leadership; a strong ethical environment will not be brought about simply by passing an Ordinance. It requires commitment by our elected officials; it requires recognition that replacing Bethlehem's outdated ethics Resolution is not to question your personal integrity. Ms. Diamond reported the best thing to do is to severely prohibit things like gifts above a very minimum amount and prohibit deliberating and voting on a matter that would financially benefit a campaign donor whose contribution is above a certain reasonable limit, which is up to Council to determine. Ms. Diamond expressed we are not your adversaries; all of us in this room care about our government or we would not be here. She pointed out that this initiative has come to the attention of the Pennsylvania State League of Women Voters who have recognized it as a good government initiative that could be a model for communities across Pennsylvania, and have asked us to develop a panel for their State conference in June so that other communities can consider similar ethics programs

Clint Walker, 123 East Church Street, stressed he wanted to echo and support what was said by the previous two speakers. He reminded that when the rezoning of Martin Tower was a live issue at City Council it became apparent that many City officials were totally oblivious to the issue of appearance of conflict of interest. When this was brought to their attention it was very painful for them. Mr. Walker commented that now someone on City Council wants to turn ethics training over to a State Ethics Commission that is so ineffective. Mr. Walker urges Councilwoman Negrón's proposal for the most thoughtful consideration and to vote for a powerful version of it.

*Festivals/Music at Polling Places*

Arthur Curatola, 813 Laufer Street, informed he contacted the County and City Solicitors regarding the idea of having 30 or more festivals on Election Day at all the polls. He noted if Council can give him a definite okay, he can provide microphones, PA systems, entertainment acts from Noon until 8:00PM. Mr. Curatola stated he could make this happen in one week. He stated he can make this a City that supports the performing arts; the visual arts. He expressed he has support to do this but needs the okay from Council that they will not enforce the unnecessary noise ordinance on the Primary and General Election Days. Mr. Curatola stated if Council gets back to him he can move forward on this tomorrow; if not it will not happen. He noted regarding noise the dictionary says that music is a pleasant sound and noise is an unpleasant sound.

*Drug Problem/Asbestos at Martin Tower*

Eddie Rodriguez, 701 Main Street, mentioned he wanted to speak about the drug problem. He is asking the Police Department to deal a little better with a recommendation he

has to get closer to the community, especially addicts that have invested themselves with drug addiction and overdosing. It does not matter what type of drugs but this particular event which happens every day in the life of an addict is mostly heroin, speedballs. Mr. Rodriguez stressed that he is an ex-addict and he is clean almost 30 years but he is asking the Police department to get a lot closer to the area on Wyandotte and Fourth Streets. He has seen some drug activity around the Rooney Building, the Litzenberger House and Monocacy Towers. He is asking the Police to monitor what is in the area. He remarked that there are violent offenders coming into the area by Old York Road that have summary offenses. Mr. Rodriguez continued regarding the Martin Tower area, he is concerned for those workers who worked that area. Referencing asbestos he remarked that the particles that get into your body stay in your body. He was hoping that Council handles this and stops fussing around with how much it will cost and get somebody to either tear down Martin Tower or clean up the asbestos, which is being done now. He would also like to see what can be done about Union Boulevard as a follow up to the last Council meeting regarding trash between Main and New Street and further up. He expressed special thanks to Parks and Recreation and Mr. Alkhal for their cooperation in helping him out with residents at the Moravian houses and the general public for a bench, but now he is asking for a garbage can.

#### *Ethics Ordinance*

Diane Dilendik, 506 West Third Street, stated she would like to speak in favor of the Ethics Ordinance worked on by Mr. Colón, Ms. Negrón and many other people. As a citizen she thinks Council and the Mayor should realize that people are even more interested in this now after the zoning fiasco on Eighth Avenue and after the Parking Garage on the south side, which only benefits the builder. She stated people are annoyed and want an Ordinance that has some teeth in it. Ms. Dilendik stressed that she would please like Council to seriously consider this Ordinance.

#### *Democracy*

Daniel Krasnick, 1316 Beverly Avenue, informed his grandparents were born in Russia in the early 1900's and stated Czarist Russia is a fascist form of government. He continued America is a democracy and one of the great things about democracy is the ability to vote for people who have the power. Mr. Krasnick expressed democracy is a great idea; the people elect people just to do the job of the governing. Whoever has more votes wins the election and therefore they are the ones that are chosen by more people in a democracy. He commented the minority gets their say in checks and balances here in America. Mr. Krasnick stated he is afraid of power that is put in the hands of those that are not elected. He queried if we get an Ethics Board together is there a guarantee that elected officials would not take a single penny from anybody that would affect anything that happens in government. Mr. Krasnick highlighted we can vote them out if we find out two years later they have been taking money. If we do not like an elected official then we do not elect them, and that is what makes a democracy.

#### *Dangerous Intersection/Bathgate and Westgate Drive*

Lisa Deraymo, Lutheran Manor, 2085 Westgate Drive, informed she was coming home last Sunday from Westgate Mall in her wheel chair and proceeded to go cross the street when her wheelchair got stuck while in the street. She turned around to go backwards and was a quarter of

the way back when a red truck came right up next to her on her left and on the other side a woman came driving out of Bathgate Road and was on the other side of her. She is afraid that someone will get killed in this crosswalk. Ms. Deraymo informed this is the second time in six months that she has had a close call when crossing the street. She would like someone to look into this.

Marie Bryant, Lutheran Manor, 2085 Westgate Drive, stated today she observed the traffic on Westgate Drive from her window and in a 15 minute period she counted 162 cars, one bus, three EMS trucks, two ambulances and four cars that really had speed to them. This was just Westgate Drive and the count did not include Bathgate Road. She informed that is a dangerous intersection for people who live at Lutheran Manor. She informed a children's hospital has been built right alongside of Lutheran Manor. Ms. Bryant pointed out they have no place to park their cars at Lutheran Manor but on the road and the hospital will have the same problem. She is asking Council to look at this and take care of this. Ms. Bryant mentioned that half of the people at Lutheran Manor are either using walkers or canes and afraid to cross that street. We do have a bus but all these people cannot go grocery shopping on one bus. Ms. Bryant stressed that Council should think of the older people because someday they will be there.

*Dangerous Intersection/Bathgate and Westgate Drive/Ethics Ordinance*

Amy Zanelli, 506 Twelfth Avenue, expressed she met Linda from Lutheran Manor at the Senior Fair at Westgate Mall where she was talking with her friends about crosswalk issue. Linda had essentially said that they had been going to the City for some time, who say it is Lutheran Manor's problem; Lutheran Manor says it is the City's issue. Ms. Zanelli urged them to write their letters and read them at tonight's Council meeting. She does urge Council to listen and help them. Ms. Zanelli also is here in support of the Ethics Ordinance written by Council Members Colón and Negrón. She then read a letter she sent to Council on the April 4, 2017 in support of Ethics Ordinance proposed by Councilwoman Negrón and Councilman Colón. She remarked staying vigilant will ensure that our representatives avoid conflicts of interest. She recognized there will be a cost to the program but mentioned political integrity is priceless. As a candidate she remarked she stands by restrictions on campaign contribution. Ms. Zanelli encouraged Council to vote for the Bethlehem Public Official and City Employee Ethics Act.

Steve Diamond, 425 Center Street, advised that times are changing and they are changing because we now have a U. S. government that is being questioned about emoluments. He knows that Council is not at that level, but the Emoluments Clause was put in place so that officials would not be put into a position where they would be receiving money or favors for work that has been given to them. Mr. Diamond is asking Council to embrace the Ethics Ordinance that was put forth by Councilwoman Negrón and Councilman Colón. He is saying do not vote for an Ordinance that simply sends you to the State Ethics Ordinance because it is only cosmetic and he feels that we in Bethlehem have to reach a higher level than that is set at the State level.

Mary Foltz, 2216 Montgomery Street, remarked she wanted to speak tonight about the proposed Ethics Ordinance brought to Council by Councilwoman Negrón and Councilman Colón. She wants to share her concerns and interest in the work on the other Ethics Ordinance proposed by Councilman Martell. During the contemporary political climate in the United States it is affirming to be a part of a community willing to engage in conversations about ethics, what a robust Ethics Ordinance can accomplish and what an Ethics Board might foster for our

City. Ms. Foltz stated she wanted to discuss the process by which the Negrón/Colón Ordinance was constructed and how powerful their work has been for the democratic process in Bethlehem. These Council Members spent nearly a year visiting with our neighboring cities to discuss their Ethics Ordinances, researching the best practices in constructing and implementing Ethics Ordinances and training and working with State leaders to put together a substantial and thorough Ordinance for Bethlehem. Ms. Foltz stated further they worked with bipartisan organizations like the League of Women Voters of Northampton County to engage citizens in a discussion about Ethics Ordinances. With representatives from Philadelphia's Ethics Board, from Harrisburg, and from Allentown this panel gave citizens the opportunity to learn about how other communities have engaged with supporting transparency and accountability in civic governance. The League of Women Voters, Olga Negrón and Michael Colón gave us all room to reflect on the kind of Ordinance that we might want for Bethlehem as well as the value of such an Ordinance for Cities and City Council Members alike. She remarked beyond their work in building community conversation the resultant Ordinance that they brought before Council is substantial and robust. Their research into the value of an Ethics Board as well as its feasibility with our limited budget should be taken seriously rather than sidelined as other less thorough proposals are made and discussed. She hopes that Council will choose to return to the proposed ordinance which is still waiting for the attention it deserves instead of working through smaller piecemeal proposals that could simply be included or talked about in reference to this larger proposal that we previously discussed in a Committee of the Whole. Ms. Foltz hopes that Council will do the challenging work of discussing and perhaps revising in a collaborative and collective effort the strong Ethics Ordinance on the table. She anticipates and looks forward to discussing the Martell Ordinance in a public Committee of the Whole but she also hopes that we keep in mind that this other Ordinance has yet to be worked through by Council. She mentioned that Olga Negrón left an invitation on the table for Council to contribute to and work with her and Michael Colón and to build from their proposal as a draft to continue to work on it together. She hopes that you will take her up on this invitation and also allow the public to be an integral part of the process. Mr. Foltz stated finally she really wanted to thank Councilwoman Olga Negrón and Councilman Michael Colón for engaging the public in discussions about regional Ethics Ordinances and how the enactment of one in our community might benefit both Council and the public.

Sheryl Dugan, 253 East Church Street, wanted to share as a citizen of Bethlehem how moved she is by the people who talked about this Ordinance issue. Our City has so much reason to be proud; we have built an incredible historic City. She is concerned that a lesser quality Ethics Ordinance is being considered. Ms. Dugan wonders with all of the work that Councilwoman Olga Negrón and Councilman Michael Colón have done along our citizens why that is not of the utmost attention. She cannot help but feel that if something lesser than that Ordinance is put forth what it means. Ms. Dugan thinks it speaks loudly of who you are as our representatives if you do not consider this Ordinance. She is proud of the neighbors and proud of our City and our leadership. She concluded we owe it to ourselves and our future to consider the Ordinance put forth by Olga Negrón and Councilman Michael Colón.

*South Bethlehem/City Officials' Residency Requirement*

Stephen Antalics, 737 Ridge Street, remarked his son came from Philadelphia to visit and was shocked to see the buildings down across the street from Sal's. Mr. Antalics noted in 1915 the borough of South Bethlehem celebrated its anniversary. He noted that the visionaries

built a community that was a flagship of that part of Pennsylvania. He remarked World War I occurred and the borough of Bethlehem was strong armed into becoming a City with the other borough of Bethlehem. Mr. Antalics pointed out the two boroughs were very antagonistic towards each other, but they joined together because they wanted to be patriotic. He highlighted that started the downfall of the borough of South Bethlehem. Mr. Antalics continued in the 1920's the government turned its back on the south side because South Bethlehem became the sin city of the east. He continued to say they tore down the Market House which was the center of the south side. They also put a gas station at the corner of Third and New Streets. We will soon have a ten-story building on Fourth Street, a seven-story building on Third and New Streets, and a large parking garage. Mr. Antalics informed the Chair of the South Side Historic Commission allowed the building on Fourth Street saying it is an exception to the Ordinance and violated the Ordinance of the City to approve it. He can say it is a lack of vision; vision is dedication to serve and love the community. Mr. Antalics referenced Charlie Brown's love and dedication to the City and the City supported him and honored him with the naming of the Ice House. Mr. Antalics observed the City has qualified people, but there is something lacking. When you finish your job and have to drive 35 to 40 miles to go home you do not live in the community and you cannot develop a love for the community because you are not there. Mr. Antalics feels we should resurrect the rule that people who hold high office in Bethlehem must reside in the City of Bethlehem. He stated it is constitutional but it was revoked because it was thought to be unconstitutional, which it is not. He strongly urges the Administration to require people in high office in the City to be residents of the City to develop that dedication to serve and love the community.

*Dangerous Intersection/Bathgate and Westgate Drive*

Bill Scheirer, 1890 Eaton Avenue, noted he would like to speak to the Lutheran Manor situation. His mother was one of the first residents of Lutheran Manor and she lived there for over 25 years. Mr. Scheirer informed when he came back to town in 2003 he remembers almost immediately hearing about this traffic situation. He actually spoke to Council approximately ten years ago about this problem. He noted that part of the problem is that Westgate Drive is a shortcut to go from Catasauqua Road to Schoenersville Road and there is a rather pronounced curve right at Bathgate Road. He highlighted that people coming through find themselves at a curve that is sharper than they realized. The solution is to somehow get the traffic to stop long enough so that these people can get across the street. Someone mentioned what Moravian College is doing on Elizabeth Avenue and those blinking lights might be a solution. However, the lights need to stay on long enough so these people can get across the street. Mr. Scheirer noted maybe what is needed is a full traffic light. He knows they cost \$100,000 dollars but we are talking about possible fatalities. He remarked this is a situation that needs to be addressed and can be dealt with and solved.

4. PUBLIC COMMENT (on Ordinances and Resolutions to be voted on this evening - 5 Minute Time Limit)

*Ethics Training Ordinance*

Barbara Diamond, 425 Center Street, expressed she is not sure why this Training Ordinance has come up and is apparently fast tracked for voting in the last few weeks. Ms. Diamond then passed out a handout to Council that shows a comparison of what is in the

Ordinance that was submitted in January compared to what the Training Ordinance suggests. She commented that the Ordinance before you tonight mandates training by the State Commission and the State statute is considered to be very weak. It does not limit gifts, campaign contributions; it does not require Council to recuse themselves from a vote that would financially benefit a donor. Ms. Diamond expressed she spoke to Mr. Frankenberger because he does the training in one size fits all. They have two basic training programs each an hour and a half long, but if you wanted them to combine them they would do that for about two to two and half hours. But it is not tailored to our local department needs and it is also not going to be in accordance with our Ordinance should you pass it. They only train to the State Ordinance. Ms. Diamond noted our Ordinance mandates training for all public officials and employees but is tailored to the needs of different levels, departments and agencies. As you may know they will only come and train if you get a minimum of 25 people. Since you are only mandating that Council attend but it is open to all other employees you will have to get other people to attend. In that case Mr. Frankenberger said since you have different categories of employees we would have to adjust the training for that circumstance which waters down our Ordinance. Our Ordinance provides ongoing advising and education for public officials and employees individualized and responsive to our City. The State Commission is charged with handling issues across the State. With their limited resources they focus on the larger issues, most often corruption. Our Ordinance is comprehensive and represents best practices. Ms. Diamond observed this proposal to pass an Ordinance that just deals with training is what she referred to before as being piecemeal and it is not comprehensive. She hopes that the Ethics Training Ordinance will be referred to a Committee of the Whole or just put it aside altogether until you have addressed the Ordinance that is before you. If you look on the handout you will see that the Negrón/Colón Ethics Ordinance before you has everything in it that is also in the Martell Ordinance and more. It is structured on the backbone of the State statute but tailored with more restrictions and other things that the State statute does not have.

Paige VanWirt, 42 West Market Street, remarked she wanted to speak tonight about conflict of interest in general and the Ordinance proposed by Councilman Colón and Councilwoman Negrón and specifically the Ethics Training Ordinance. She thinks there are some valid parallels between a physician's duty to her patient and a Councilman's duty to the citizens of Bethlehem. Ms. VanWirt stated preservation of trust is the essential purpose of policies about conflict of interest. An individual's conflict of interest is not tantamount to saying that his or her judgment is affected nor does it constitute an accusation of bias or prejudice. The presence of a conflict of interest is no judgment about the appropriateness of the value of the relationship that engenders the conflict for a particular situation. The aim for matters about conflict of interest is to preserve and protect public trust in the independence and objectivity involved in the exercise in question. If a reasonable person would perceive that the financial circumstances could potentially influence their judgment a failure to acknowledge and respond to the conflict of interest threatens to erode the trust that undergirds the value of professional judgment and expertise. In regards to Council Member Martell's proposal, with all due respect, the citizens of Bethlehem are not dumb. The citizens of Bethlehem are very smart and we recognize window dressing when we see it; we recognize that a piecemeal approach can only weaken a real Ethics proposal. So in essence a vote for the Martell training is a vote against the Negrón/Colón Ethics Ordinance. What the citizens of Bethlehem do not understand is why are the Members of Council who are against this proposal or unhappy with it against it and why would Council Members be opposed to an Ethics Ordinance with structure and with teeth. This Ethics Ordinance, she would argue, is more important than the buildings you approve, is

more indelible than the parking situations you solve. Ms. VanWirth stated she believes in Council, thinks Council will do the right thing and not approve this training Ordinance tonight.

Amy Zanelli, 506 Twelfth Avenue, stated she wanted to echo what the previous speakers have said. She believes it would be in Bethlehem's best interest to have the training Ordinance withdrawn and then rolled into Ms. Negrón and Mr. Colón's comprehensive Ethics Ordinance because training is simply a suggestion, and reform affects change.

Stephen Antalics, 737 Ridge Street, mentioned he has listened to these people speak who have no vested interest other than the good of the City. He does not argue for or against the Ordinance, but he suggests that people on Council look at it logically and with reason. Mr. Antalics pointed out they want to work with Council to propose something in the best interest of the City so there is something rational before you. He remarked he is at a loss to ask why the sidetracking. Mr. Antalics mentioned the Ordinance from the two Council people should be on the agenda to be voted on before anything else shows up on the agenda, and if you do not like it then change it.

Frank Baran, 36 West Spruce Street, is speaking tonight in support of Councilman Martell's Ordinance. He believes it is a good first step towards the process of developing an Ethics Ordinance. It is best to try to address issues as quickly as they can be done, but because of some issues being very difficult to handle, do it little by little. Do not try to wait until everything is done. There are measures that can be taken and adopted now rather than waiting later on until complete consensus is reached. Mr. Baran informed the City already has a number of Ethics Ordinance related matters already on the books. Already there are campaign finance regulations and disclosures online and anyone can see them 24/7. The candidate statements of financial disclosure are on the City's website. The Mayor's gift policy which affects all 606 City employees is on the City's website. The question he wonders about is the idea that the State Ethics agency is incapable of providing training for ethics matters. He thinks that is absurd because if those people are incapable of providing training, who can? That is their business; that is what they do. The City has referred questions to the Ethics Department at the State level on several occasions in the past, and has received replies. It is about time that we look more at taking it step by step rather than one grand scheme. We do not know the cost of some of these training programs. There has been no attempt by the advocates to identify the costs and no attempt by the advocates to identify how often these programs would have to be conducted. Mr. Baran stressed it is better to take this step by step and we will eventually get to where we want to get to, but to wait until the Ordinance is ready for final approval is just holding up the process. Let's do as much as we can as quickly as we can and then take it from there.

Breana Holland, 379 Carver Drive, pointed out that no one is saying that the State statute or their training is incapable of doing ethics training. People are just saying that what they provide is insufficient. Ms. Holland stated she believes Council has received word from people that are involved with drafting this Ordinance what the costs are that other cities are paying. So we do have some idea of what the costs are. Ms. Holland wanted to speak about potential conflicts between the Ordinance being proposed by Mr. Martell and the one that was previously proposed by Council Members Negrón and Colón. The concern she has with the Martell Ordinance is in part that it creates two separate authorities. So you have the State body doing training about what is in the State statute and if we have something else at the local level that is

adopted that has something in it that differs from the State. She continued presumably if the previously proposed Ordinance were adopted it would be much more stringent than the State statute. Then what you would have is people being trained by a State body that does not understand what applies at the local level and they are now a source of authority that people can go to and ask for ethics advice. Ms. Holland noted they can indeed claim that they have been trained by those experts at the State level. If you adopt training at the local level that is specific to the needs of the departments and the personnel you could have something that differs and you would have a different body that would be actually explaining to people what the local requirements are. So then you have two different authorities and it creates a situation where Council Members or anybody else who the code applies to could pick and choose who they want to get ethics advice from. Ms. Holland noted that is dangerous. She added it is not just the problem with the Martell Ordinance, not that it is not strong enough, but it is potentially confusing for people and creates two different authorities on ethics and that could lead to ethical problems.

Ziona Brotleit, 412 Second Avenue, informed as our communities elected representatives you are working to create and provide the best public environment for this community as you can that will serve all of us using the best practices available. You scheduled a vote tonight on Shawn Martell's proposed Ordinance on Ethics Training and yet there is a comprehensive proposed Ordinance in Committee on ethics in general, including training. She does not understand why we are fast tracking one the specifics of which are contained in the larger more comprehensive Ordinance. Ms. Brotleit noted to vote tonight on Shawn Martell's Ordinance is ignoring and neglecting a document that was developed based on rigorous and extensive research of best practices. It states the clarity the ethics that facilitate you're serving in the best interests of your position in this model community. Ms. Brotleit mentioned anything less clear risks errors of judgment, compromise in transparency which may lead to the appearance of impropriety and then in turn of deterioration of public trust in your offices. Voting on the Ordinance tonight on a training that is based on State specifications will sell all of us short. She urges Council to consider, review, discuss, and research the Negrón/Colón proposal in a timely fashion before voting on anything which is related or could be considered an alternative. In the spirit of community you can all work together to integrate the two efforts. She concluded put all of your intellectual efforts together to create a document that will be comprehensive, viable and workable and include all the parts and ensure that we continue to be a model community and in all ways including our ethical stance and visibility.

Bill Scheirer, 1890 Eaton Avenue, stated he sees that the Ethics Training Ordinance is on the agenda instead of the much broader Ordinance introduced by Council Members Negrón and Colón which was introduced three months ago. The training from the State will be in the context of the State law which the State itself admits is weaker. He expressed it may be that ethics training from the State is regarded as a much more urgent matter, however this does not seem likely to him. What does seem likely if the training Ordinance passes there will be a temptation to feel that the job is done. While education is necessary for proper behavior, it is not sufficient. There is another objective of the Negrón/Colón Ordinance that is sometimes overlooked. Even if ethical procedures are followed there is the public perception to be considered. The Ordinance proposed by Councilwoman Negrón and Councilman Colón is comprehensive to the point that it will facilitate an increase in the public trust of government, at least of local government. For the above reasons Mr. Scheirer strongly recommends that the Ethics Training Ordinance be referred to the Committee of the Whole to join up with the

comprehensive Ordinance perhaps to have its salient and positive points merged into that Ordinance.

5. OLD BUSINESS

A. Members of Council

*Committee of the Whole-Ethics Ordinance*

Ms. Negrón informed she wanted to thank our Clerk who sent an email out requesting a Committee of the Whole and she hopes that all Members of Council will follow up so we can have a Committee of the Whole to revise the Ethics Ordinance that she and Councilman Colón have presented.

B. Tabled Items

C. Unfinished Business

6. COMMUNICATIONS

A. *Recreation Director – Recommendation of Award – Celebration Fireworks, Inc.*

The Clerk read a memorandum dated April 26, 2017 from Jane Persa, Recreation Director recommending a contract with Celebration Fireworks for the July 4<sup>th</sup> fireworks. The term of the contract is July 4, 2017 with a rain date of July 5, 2017. The fee for the contract is \$32,000.

President Reynolds stated Resolution 10 A is on the agenda.

B. *Chief Code Official – Amending Article 1739 – Regulated Rental Unit Occupancy*

The Clerk read a memorandum dated April 26, 2017 from Craig Hynes, Chief Code Official regarding the proposed changes to Article 1739 – Regulated Rental Unit Occupancy. After review with the City Solicitor it was decided to continue with the Ordinance but drop the sentence containing transient. The intent of the overall change will still be met and any concerns involving the definition or intent of the word transient will be removed.

President Reynolds stated an amendment has been prepared for Council's consideration at the time of the Final Reading of the Ordinance this evening.

C. *Assistant City Solicitor – Resolution – Proposed Zoning Text Amendment – Clarifying Regulations Pertaining to Behavioral Health Facilities.*

The Clerk read a memorandum dated April 27, 2017 from Edmund Healy, Esq., to which is attached a zoning amendment that would clarify the definition of the term "hospital" and the placement of potential behavioral health facilities and psychiatric hospitals within the City. The proposed amendment would also categorize behavioral health facilities and psychiatric hospitals as treatment centers, a use already allowed by special exception as stand-alone uses in

the following districts (none of which are residential or institutional):CG - General Commercial, CS - Shopping Center, LI - Light Industrial, IN - Industrial

Also attached is a Resolution that the Administration specifically requests City Council to immediately enact to declare this proposed amendment as a "Pending Ordinance" under the judge-created "Pending Ordinance Doctrine".

President Reynolds stated Resolution 10 D is on the agenda.

President Reynolds stated he will accept a motion to schedule a Public Hearing on Tuesday, June 6, 2017 at 7:00 PM in Town Hall for the proposed Zoning Text Amendment Ordinance.

Mr. Martell and Mr. Callahan moved to schedule the Public Hearing.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 6. Mr. Waldron was absent at the time of the vote.

President Reynolds stated the Public Hearing will be held on Tuesday, June 6, 2017 at 7:00 PM in Town Hall. He will also refer this to the Lehigh Valley Planning Commission for comment.

*D. Department of Community and Economic Development Director - Amending Article 342 - South Side LERTA Renewal and Expanded Boundaries*

The Clerk read a memorandum dated April 27, 2017 from Alicia Karner, Director of Community and Economic Development to which is attached a proposed Ordinance to amend Article 342 - LERTA, and the associated Resolution and area map for the renewal of the LERTA district on the Southside of the City. There is a slight modification to the boundaries and this renewal will extend the expiration date of the program from December 31, 2017 to December 31, 2022.

President Reynolds stated he will accept a motion to schedule a Public Hearing on Wednesday, May 17, 2017 at 7:00 PM in Town Hall.

Mr. Martell and Mr. Colón moved to schedule the Public Hearing.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7.

President Reynolds queried if the Community Development Committee would like his reviewed in Committee.

Mr. Martell stated that they would.

President Reynolds stated the Public Hearing will be held on Wednesday, May 17, 2017 at 7:00 PM in Town Hall.

E. *Director of Planning and Zoning – Revised Zoning Amendment for Medical Marijuana*

The Clerk read a memorandum dated April 26, 2017 from Darlene Heller, Director of Planning and Zoning to which is attached a revised proposed Zoning Ordinance amendment addressing medical marijuana. The Planning Commission voted unanimously to forward the amendment at the March 9, 2017 meeting.

The advisory letter from the Lehigh Valley Planning Commission correctly notes that the PA Medical Marijuana Act stipulates that requirements for grower/processor facilities cannot be more stringent than similar facilities within the same district. The revised Ordinance removed the section requiring a separation distance for grower/processors.

President Reynolds announced the Public Hearing that was scheduled for tonight will be changed to Tuesday, June 6, 2017 due to the revised Ordinance.

President Reynolds stated he will accept a motion to schedule a Public Hearing on Tuesday, June 6, 2017 at 7:00 PM in Town Hall.

Mr. Callahan and Mr. Martell moved to schedule the Public Hearing.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7.

President Reynolds stated the Public Hearing will be held on Tuesday, June 6, 2017 at 7:00 PM in Town Hall. He will also refer this to the Lehigh Valley Planning Commission for comment.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Kenneth Loush – Historic Conservation Commission –South Bethlehem and Mount Airy*

Mayor Donchez reappointed Kenneth Loush to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through May, 2020. Mr. Colón and Mr. Evans sponsored Resolution 2017-108 to confirm the reappointment.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. The Resolution passed.

2. *Administrative Order – Barbara Fraust – Fine Arts Commission*

Mayor Donchez reappointed Barbara Fraust to membership on the Fine Arts Commission effective through May, 2020. Mr. Colón and Mr. Evans sponsored Resolution 2017-109 to confirm the reappointment.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. The Resolution passed.

*Money Magazine/Forbes Magazine/Bethlehem Best Place to Retire*

Mayor Donchez remarked that six months ago Money Magazine rated Bethlehem as the best place to retire in the Northeast part of the United States. Last week we received the honor from Forbes Magazine as the best place to retire citing our quality of life, healthcare, music and culture. He highlighted that is a tribute to so many entities in the City that make Bethlehem a special place and good place to live. Mayor Donchez believes this is a tribute to everyone in the community.

*Water Meter Radio Reads*

Mayor Donchez highlighted we just started this a few days ago to have radio reads of the water meters in the Industrial Park rather than going business to business. This is something Ed Boscola, Director of Water and Sewer Resources has been working on for a number of years.

C. *Human Resources and Environment Committee*

Chairman Colón stated the Human Resources and Environment Committee met on Monday, April 24, 2017 at 6:00 PM in Town Hall and Tuesday, May 2, 2017 at 5:45 PM in Town Hall. The members of the Committee approved the requested personnel change, which is a full time compensation coordinator position. The Clerk will send a memo to the Controller.

D. *Finance Committee*

Chairman Callahan stated the Finance Committee met on Tuesday, May 2, 2017 at 6:00 PM in Town Hall. The Committee voted to recommend that City Council adopt Ordinances for the following: Amending the General Fund Budget – Amending the Liquid Fuels Budget – Amending the Non-Utility Capital Improvements Fund Budget – Amending the Sewer Capital Budget.

Chairman Callahan mentioned he would like to thank Mr. Boscola on all of his work on getting the system of radio reads for water meters up and running. It will be successful in the future.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 15 – 2017 – Amending Article 1739 – Regulated Rental Unit Occupancy*

The Clerk read Bill No. 15 – 2017 – Amending Article 1739 – Regulated Rental Unit Occupancy on Final Reading.

The Clerk read the Amendment to Bill No. 15 – 2017, sponsored by Mr. Colón and Mr. Evans, as follows:

**AMENDMENT TO BILL NO. 15- 2017**  
AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1739 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
“REGULATED RENTAL UNIT OCCUPANCY”

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Section 1739.02, Subsection E, “Written Rental Agreement” of Article 1739 of the Codified Ordinances that reads as follows in Bill 15-2017:

E. Written Rental Agreement.

**2.19 All OCCUPANTS of REGULATED RENTAL UNITS shall use the PREMISES as a single family dwelling. There shall be no transient OCCUPANTS. There shall be one lease and all OCCUPANTS shall sign said lease.**

Shall be amended to read as follows:

E. Written Rental Agreement.

**2.19 All OCCUPANTS of REGULATED RENTAL UNITS shall use the PREMISES as a single family dwelling. There shall be one lease and all OCCUPANTS shall sign said lease.**

Voting AYE on the Amendment to Bill No. 15 - 2017: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. The Amendment passed.

Voting AYE on Bill No. 15 - 2017 as Amended: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. Bill No. 15 - 2017 now known as Ordinance 2017 - 15 was adopted on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 16 - 2017 - Establishing Article 131 - Requirements for Ethics Training for City Council Members*

The Clerk read Bill No. 16 - 2017 - Establishing Article 131 - Requirements for Ethics Training for City Council Members, sponsored by Mr. Martell and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
ESTABLISHING ARTICLE 131 ENTITLED  
REQUIREMENTS FOR ETHICS TRAINING FOR  
CITY COUNCIL MEMBERS

Mr. Martell handed a pamphlet to Council Members regarding the training from the State Ethics Commission and also an Ethics Training request form and logistical information. Mr. Martell stated it is important to talk about where this Bill came from and where the idea came from. He also wanted to try to address some of the comments tonight and the way the public perceived this Bill, and hopefully will have addressed some of the issues that were brought up during Public Comment. He remarked the Bill came out of the conversation we had at the Committee of the Whole Meeting. It was his understanding that meeting was to talk about and collaborate on different ways we can strengthen Ethics Ordinances, strengthen transparency, make City government work better and increase trust in the citizens of local government. At that particular time he mentioned coming up with an education training piece, the one you see in front of you. It was not mentioned at that time that there would be any other preferable path to take. Mr. Martell queried if the Ethics Ordinance that Councilwoman Negrón and Councilman Colón meant to make the State Ethics Commission totally null and void. If the answer is no, then he would suggest that we do not have that power anyway; then there would be merits. The State Ethics Commission, the Pennsylvania Public Official and Employee Ethics Act will continue to govern what we can and cannot do. So the intent is to provide training on that legislation, a legislation that is not perfect and part of the reason we are having the conversations going forward and part of the reasons why we had the committee meeting. It is part of the reason why he looks forward to further conversations and there will be good conversations about other ways to go about attacking this issue. Mr. Martell informed he will be supporting those efforts going forward. This ordinance is just a piece of that. The idea that this is meant to overtake the work that Councilwoman Negrón and Councilman Colón did is an inaccurate portrayal of the efforts of what is going on here. It is just not accurate and he is not entirely sure how it could be seen that way because it is not as if we are getting rid of the State Ethics violations. We are looking to further what we do here in the City. Mr. Martell stated he has rarely, if ever, heard that more training or more education is a bad thing. The intent is to offer the support and be in the spirit of what we talked about with collaborating, with working together and coming up with different ideas and certainly this does not preclude anything going forward. Mr. Martell stressed the origin of this came from conversations with Councilwoman Negrón who mentioned that she went to a Pennsylvania Ethics training seminar and derived great benefit from that seminar. She learned a lot of things that she otherwise may have not known, and some speakers mentioned that this is really a job where you have a lot of citizens and a lot of people from the community who have love for the community and want to get involved. Sometimes all of the different hurdles and all of the different guiding legislations are difficult to track down and stay on top of. He knows that people here in the City of Bethlehem want to work with the highest integrity and character and represent their City well and this is just a piece that helps to do that. Moreover, Mr. Martell was at the Ethics panel that Councilwoman Negrón and Councilman Colón held in Town Hall and he thought it was an excellent panel. He recalls two or three individuals from the State Ethics Commission, and they mentioned at that time that they would come out and do this type of training. So taken together with all of the conversations we had, the Committee Meeting, and the idea that we are trying to make sure we have these regulations in place was the intent here. He continued it is the idea that it is a collaborative piece and is working in that spirit. Mr. Martell is not entirely sure how you can see this as something that would preclude going forward. One of the things to take into consideration is that some of those things in the Ordinance might take a little bit of time to get off the ground. The Ethics Training Ordinance is something that will be instituted that if we go forward with this, we will already have training within six months after January 1, 2018, and

this will help a variety of entities that will be involved in those processes. Mr. Martell informed he wanted to state that because it is important to understand where this is coming from if you are to understand what the Bill is trying to do and what the Bill says.

Mr. Martell then wanted to go over the training in general and the process of how he derived the content of the Bill. The pamphlet shows the seminar content. When he contacted the Pennsylvania State Ethics Commission he spoke with Ms. Leticia Powell, Administrative Officer who informed that the State Ethics Commission would be happy to come here and provide the training for free. Ms. Powell informed that this is something that they have been doing for 25 years; they have a lot of experience, and are happy to provide the training. Mr. Martell emphasized the content talks about the intent of the law, the jurisdiction, which came up tonight. They also talk about conflicts of interest, restricted activities, revolving door, opinions and advices, financial disclosure forms, investigations, confidentiality and penalties. Mr. Martell pointed out they also talk about the process of filing that complaint and getting the Ethics Commission involved. He noted there is a form for that on the Commission's website. Mr. Martell turned to the Bill and highlighted that this will be occurring every two years following the inauguration of the new City Council. That ensures that it is recurring training with updates and that any new Council Member will get that training within the first six months of their tenure. Mr. Martell thinks this is important and necessary to make this really work. He highlighted the Clerk's Office will manage the logistics. The Commission prefers a minimum of 20 attendees per training session since they will be traveling from Harrisburg. The Council Members and office are mandated to be there, which accounts for 10 in attendance. It was his hope that the Mayor had a chance to look this over and would consider having Department Heads to come to this training as well.

Mayor Donchez reported if City Council would approve this he would attend, and he would require all Department Heads to attend the training.

Mr. Martell mentioned this is also open to the public, which is a key piece. As demonstrated the public is interested and they want to know how to participate. They want to know what is and is not a violation. The Ordinance talks about getting the date of the meeting on the website 30 days in advance, it talks about announcing it and so forth and allows the public to come in and participate in that process. Mr. Martell expressed that is where he comes back to the filing a complaint because as we know, anybody can file a complaint and the Ethics Commission will respond. This is not just an education piece for the sake of education for the public, but it also is an empowering and enabling piece allowing them to participate in the ongoing insurance that the elected officials are operating in a way that they intended elected officials to operate when they were elected. Mr. Martell advised another piece in this Bill that he thinks is very important is that there is a fine if you do not attend the training. The other piece that is more important is that there will be an attendance certificate that will be posted on the City's website, similar to how candidate's Statements of Financial Interest and campaign reports are posted on line. People can see they are attending these sessions. Mr. Martell reiterated that this is not something that is meant to be a deterrent to further action; this is something that is meant to be a supplement and a part of a larger comprehensive ethics pack of regulations and oversites. This is important because some of the concerns that were brought up demonstrate passion, care and concern, but are looking at this in ways that are not intended. He wanted the Council Members who worked so hard on the Ethics Ordinance to know that this is not an attempt to undermine their work.

Mr. Colón thanked Councilman Martell and noted from the beginning when we started the ethics conversations, Mr. Martell has been publicly very supportive of the effort. Mr. Martell was in attendance when the League of Women's Voters were here, and he had a lot of good input. Mr. Colón does not feel this halts the conversation regarding ethics but furthers it. The only place he is coming from is when engaging the State Ethics Commission and not fully understanding the State's role until we have a clear understanding of what our own Ethics Ordinance is going to look like. It is a great idea to have the training within the first six months which would amount to the even numbered years when there is turnover on Council. Essentially you are looking at two trainings per each every four year term. We are now in the process of scheduling another Committee of the Whole meeting to continue the conversations and see where everyone is at with the Ethics Ordinance. His initial thoughts, given that our first training would not be until at least within the first six months of the new year, were to potentially tabling this Ordinance if there was support from other Members of Council, until we had a clear picture of what our City Ethics Ordinance might look like and then see where this plays a role in that Ordinance. Mr. Colón believes there is a lot merit to this Bill and great aspects to it such as having completion certificates put on the City website so anyone can see them and making the training open to the public and the Administration. It is something he thinks has a lot of strong merits, but he would like to think about waiting to see how it ties in to the Ordinance previously reviewed and go from there.

Ms. Negrón remarked that she agrees with Councilman Colón to table the Ordinance. She has requested another Committee of the Whole to continue the conversation on the Ethics Ordinance as it is being revised by our Council Solicitor Spirk. It will be perfect timing to continue that conversation. One thing that worries her is that Councilman Martell sees this as a part of a larger comprehensive Ordinance, but what we proposed is not yet an Ordinance. So that is why she agrees with Councilman Colón that this should be part of the conversation at a Committee of the Whole as we look at the Ordinance. As Mr. Martell said we did have one Member of the State Commission. The other person, Ms. Chapman was from the Department of the Secretary of the State. Ms. Chapman and both of them mentioned that the State has some limitation and that Ordinance does not have a lot of teeth. Ms. Negrón informed that is why they took so much time and energy looking in to better practices. We took a close look at Philadelphia, Reading, Allentown and Easton. What we did by looking at this was to learn what works and what does not and then we made our proposal much tighter than any of them. She noted that she copied and pasted what the State had. They said we can only make it stronger and that is what we did. We cannot minimize what the State requires but we can make it tougher. Ms. Negrón stressed that is what they proposed in order to create better transparency. She knows in the past a few people asked why we were looking at Reading and Allentown. We only looked at them to learn from what they have done and what works and what did not. She reiterated that our proposal is much tighter than any of them. We presented this as a draft and there are things in our proposal that can change and she hopes that this will be part of our conversation. Ms. Negrón noted that Mr. Spirk did a great job in cleaning it up and she hopes we have a Committee of the Whole soon where we can take a closer look at the revised Ordinance that they have proposed and also include this Ordinance that Mr. Martell proposed because it would be a great compliment to the larger comprehensive Ordinance. Ms. Negrón stated she supports tabling this.

Mr. Evans began by thanking Mr. Martell because there was a lot of work and thought that went into this Ordinance. He noted there are two Ordinances we have at the same time, one is much more extensive that has been put together by Councilwoman Negrón and Councilman Colón. That one will take a little bit longer, it will help us but it is now 30 pages so we do not know what this will look like. Mr. Evans remarked he has never seen an Ordinance with 30 pages get approved as is so there is a lot of work ahead of us. We did have one Committee of the Whole Meeting where we spent a lot of time talking and listening. Our Council Solicitor Spirk spent a lot of time working on this because this came to us at that Committee Meeting in a very rough draft situation where it was not ready for votes. Mr. Evans advised he looks forward to working with it and he welcomes it but that Ordinance needs more time in Committee much like our Zoning Ordinance that was rewritten in its entirety, which turned out great in 2012. We worked quite a while on the Zoning Ordinance, we did not put it off or tried to deny it, we worked on that collectively. He noted more recently we worked on Article 941 - Parks, with Jane Persa and remarked that we spent a large amount of time on this also in Committee. As Mr. Scheirer mentioned we on Council are all part-time, we are not here five days a week, we meet twice a month and as much as we can we get to Committees. We did have a Committee meeting and he does look forward to the next Committee of the Whole to discuss this Ordinance. Mr. Evans note he is available for the dates that were requested so he looks forward to that. This is something he continues to welcome as it comes down the pike and he thinks this will be something that will help us when it is complete. He does not think it is a monopoly on ethics, he thinks what he is looking at right now is also good and he will vote for Mr. Martell's Ordinance tonight. If it is the will of Council it may be tabled but if it moves forward this is better than anything we ever had before and that is why he supports this. Mr. Evans related as of now we do not have any type of training and all of us sitting here at some point are community activists and for him it was coaching baseball and wrestling. Mr. Evans mentioned he was a Little League President for ten years and that led to one thing and then another, he ran for Council, and was elected. With that came no training except what you can read and pick up and so this training ordinance is leaps and bounds of where we are now. He wishes he had this eight years ago when he was sworn in the first time as a Member of Council. To have something formally as a starting point he thinks is great. Mr. Evans advised this is simple and straight forward, nothing that will hurt us; only help us in the meantime until something more extensive and complete can come along. We can go back and simply amend any part of it of it, add or delete any part of this. If we vote for this Bill 16 tonight and it goes into place after second reading and if we get to the other document and we need to make any changes it is simple as making an amendment the same night. Mr. Evans thinks training is important, it is proactive and much needed in the City. He knows it is part of the other Ordinance but he looks forward to working on that and seeing how it turns out. Mr. Evans does not want these to be thought of as competing Ordinances. They both move us in the right direction. He will be voting yes on Bill 16.

Mr. Callahan thanked Councilman Martell for putting this together and added that he echoes the comments made by Mr. Evans. We had a speaker tonight say that we should be moving forward logically and with reason without sidetracking. Mr. Callahan mentioned as we all know it took Councilwoman Negrón and Councilman Colón over a year to put the Ethics Ordinance together from a sub-committee of a very large group. It is over 30 pages with a lot in it and it was not presented to us in a form that was ready to be voted on. He continued there is much in there that was copied and pasted that had nothing to do with the City of Bethlehem as far as how our structure is set up. He thanked Solicitor Spirk for spending an enormous

amount of time over the last three weeks in working on that. He continued we have a job to do, and we need to do our due-diligence to make sure that it is right for the City of Bethlehem. Mr. Callahan noted that Mr. Martell's proposal to have ethics training for City Council is a great first step. He remarked that there seems to still be anger regarding the Martin Tower vote and believes that is better done at the ballot box than to an Ethics Ordinance. He recalled during that debate some said that some in the Administration and on City Council were unethical and corrupt. Mr. Callahan mentioned that our Mayor is as honest as the day comes. Mr. Callahan expressed he was offended and shocked that someone in the community at that time did not stand up and say stop. He noted some comments stepped over the line. He queried were we supposed to just sit here and let that building continue to not be developed even though there was competition with the NIZ in Allentown. The Administration came to Council with a proposal for Martin Tower, and with Mr. Evans' leadership, this Council dialed that proposal back 70%, which he thought was extensive. Mr. Callahan informed he has never taken a dime from Mr. Ronca and posed the question of whether he is corrupt because he voted for the Ordinance. Following up on comments made during the meeting he remarked if you are trying to take money out of politics, it will not happen. The Supreme Court of the United States has already ruled on that. Mr. Callahan expressed he believes in campaign contribution limits. He noted if you come up with campaign limits that are so restrictive, people will look for other ways to contribute. He explained they are allowed to form a PAC and what will happen is developers and wealthy individuals will give money to the PAC who controls the funds to run a campaign. For instance there could be two or three people who have a PAC, and those people will decide who gets elected. Mr. Callahan highlighted that with a PAC you will not know who contributed. He reflected that the Ethics Training Ordinance is a really good first step on Mr. Martell's part; there are many other things we can add down the road. Mr. Callahan mentioned at the Committee of the Whole he listened, had some changes and at some point Ms. Negrón spoke about who was involved in putting the proposed Ordinance together and how extensive it was, which is great. He had no other motive but was wondering all who were involved. She mentioned Mr. Kramer and Mr. Cooke of Easton and the Ethics Board for Easton and Reading. Mr. Callahan only asked as to who else was involved and Ms. Negrón informed she could not remember everyone but would try her best since it was a whole year. He asked if she could forward that information to Council and she said she would be glad to do that and pointed out the reason she sent a draft with notes on it was because there was nothing to hide and she wanted to be transparent. She stated she would give the names of everyone who was involved in it. Mr. Callahan found it ironic that right after that there was a story in the newspaper and one of the speakers that was here made a comment that for some reason they thought he was doing a nefarious thing by asking who was on the committee to put the proposal together. Mr. Callahan thought that it was ironic that the committee is trying to institute openness and transparency, and one of the members does not want to give out this information. Mr. Callahan asked for a color coded copy the Ethics Ordinance of what was copied and pasted from Reading, Philadelphia and Easton. Then he wanted a color coded copy of what the committee added. He remarked we still have not received that so some of the holdup is on Ms. Negrón, Mr. Colón or the committee. There is a lot of work to be done with the Ethics Ordinance but Bill 16 is a first great step and he looks forward to voting on it and he looks forward to future proposals.

Mr. Waldron commended Mr. Martell for bringing forward what he thinks is a complete and comprehensive plan to give us some State training with the current laws we have to follow. He noted we are not sure with what we think are best practices because we do not have

anything now. What this Ordinance does is lets us hit the ground running because the State has been providing education for 25 years. He sees the argument for tabling this, but he will not support that idea. The State experts will come here at no cost and give us all the training. It will be open to the public which is a positive thing because these are the laws that we should have been following and we will have clarity on that. Mr. Waldron noted if we were to go with the proposed Ethics Board, which does not exist, they would have to be trained on training and then train Council. He thinks that would be a long process to get to that point. He highlighted that Council could pass this Ordinance regarding training this evening and if we pass something that gives us more tighter control we can always amend or redact this Ordinance. Mr. Waldron stated he would not want perfection to be the enemy of progress on this so he will support the Ethics Training Ordinance tonight. Mr. Waldron pointed out that if Mr. Martell had proposed this four months ago he thinks he would have been called a hero with this proposal but since it was after the fact he guesses he is a villain.

President Reynolds commented that he is surprised at some of the criticism of Mr. Martell's proposal by the speakers, and even as Mr. Martell was talking he was surprised by some of the reaction to the things he was saying. During the comment at the Committee of the Whole there was a lot of agreement about what the goals are and what is in the proposed Ethics Ordinance. President Reynolds thinks when we look at that Ordinance and look at the goals of training, gift bans, campaign contributions, and contract monitoring and other things he was shocked that there would be that type of criticism for a simple thing that we are looking to do. President Reynolds talked about a few things with the City regarding transparency and ethics training. If we look at some of the progress of what has been made with transparency we find that oftentimes things are good ideas until the wrong people get behind them. Once they say they are a good idea people suddenly change their opinion. Over the past ten years transparency has been addressed by putting candidates' Statements of Financial Interest and campaign reports online, and up until 2014 we never had contracts come to Council for our approval. The past few years Mayor Donchez has instituted a gift ban, which was the first one for the City and it went beyond what the State did. President Reynolds noted the Controller has worked with the Administration and implemented internal controls but for some reason those things do not necessarily get the credit they should. If we look at some of the things that Council is currently working on that include open data and social media and the Ordinance that he and Mr. Martell are working on about incentive reporting for people that receive any type of benefits, he feels that is important for transparency. President Reynolds thinks there needs to be more done and he does agree with Ms. Diamond on one thing. He remarked sometimes we agree and sometimes we disagree, but when Ms. Diamond said that the City needs to do more as far as a gift ban is concerned, he agrees with her 100%. As far as campaign contributions the limits that Mr. Colón and Ms. Negron put in there he thinks are ones that are pretty consistent with what he feels are fair numbers. And as far as contracts are concerned, we could look at what do we put on line, how are contract given out, what is the process that we follow. He continued he has had conversations with others on Council, looked at some of things in the ethics ordinance, spoke with the Controller's office, Mayor Donchez and Mr. Brong about different ideas that he has proposed individually that we might be able to look at in the future. He expressed that he is shocked that over the years remarks were made that the Mayor is doing this or Council is doing that and how the State Ethics Commission should look into something or someone should call the State Ethics Commission. He continued to say then we heard from people over and over again that it is about training, education, we want people to learn what they can and cannot do. He highlighted that the Commonwealth of Pennsylvania is not going

anywhere and no matter what we end up passing with the City of Bethlehem's Ethics Ordinance, it will not have a monopoly on what we do. He says that because we live in a government that has a separation of powers and checks and balances. No Ethics Board will be able to tell our District Attorney what to do; no Ethics Board will be able to tell our State Ethics Commission what to do. It is okay to share power but at the same time the idea that we do not want to hear from the State Ethics Commission about State law could result in that we could come up with something to say this is what you can and cannot do for Bethlehem, but that does not mean if someone does something that the State Ethics Commission has a problem with that they cannot say we are the State of Pennsylvania and this is what State law is. President Reynolds sees absolutely no reason why this Ethics Training Ordinance does not make sense. He quoted Mr. Evans when he said this is better than anything we have ever had. We have never had a proposal come forward to us. He stated many deserve credit for that; this is not just credit for Mr. Martell, this is credit for Ms. Negrón and Mr. Colón and other people on Council and credit for people who brought up this issue. But the idea that we think that the State Ethics Commission is never going to have any say over what is going on here or somehow no matter what we do, and we could approve every line in the proposed ethics ordinance as soon as we can, but that still would not take the power away from the State Ethics Commission and value away from what they will tell us. He can say when the training occurs we will probably have 50 people attend because you not only will have people from the Administration, City Council, but also people who might want to run for office who might want the training. Many will show up to poke holes in why the State Ethics training is not good, which is their right. President Reynolds remarked in his ten years as a Member of Council he has heard about how people need to talk to the State Ethics Commission, what does the State feel about this matter or that matter. Now we have something in front of us that increases the education component and somehow this is not seen as a good idea to move forward. He does not think anyone on Council will vote against a gift ban or campaign contribution limitations or contract monitoring; that will not happen. This conversation will not go away until we solve these problems in a way that makes sense. President Reynolds is disappointed that the conversation turned to the fact that this Training Ordinance is somehow trying to replace the proposed Ethics Ordinance. We cannot pass something in an Ethics Ordinance that says this supersedes what the State wants to do; that is not something we are legally able to do. He expressed he is open and committed. We need to do something about those different topics, but he does not see how this State Ethics Training would get in the way with that.

Ms. Negrón remarked that she emailed the highlighted color coded Ordinance to everyone on Council as well as the list of all of the individuals and experts that they talked to for the last year. However, some individuals, members of the community chose not to have their name given and they have that right. She had to abide by their request since they are citizens and not elected officials. She also emailed the recorded version of the panel discussion on ethics. Ms. Negrón mentioned the State did say they do not have enough funding to oversee the entire State; they are held by money and requests. She remarked that part of our proposed Ordinance includes training and it could be confusing if we have the State Ethics Commission saying something but our City Ordinance says something else. It could create confusion. She spent a lot of time speaking with the State, and they said we could make this tougher but we just could not make it weaker. She copied and pasted the State code so we will not make it any weaker than the State. Ms. Negrón just thinks it could be very confusing if we pass an Ordinance for training on State level and then pass an Ordinance that creates a different type of training locally unless what you plan to do is not pass anything more than this. She thought

tabling it would make more sense. He remarked if the will of Council is not to table it but to vote on it tonight, she will vote against it because of the conflict with the Ordinance that has been proposed.

President Reynolds asked Ms. Negrón if we were to pass her Ethics Ordinance as is with training, and she believed that multiple trainings would be confusing, would you still agree that we still have to follow ethics laws as far as the State of Pennsylvania is concerned.

Ms. Negrón stated absolutely.

President Reynolds queried how are we supposed to necessarily find that out and get that training if we do not have some type of training in front of us.

Ms. Negrón informed the State Ordinance is included in her proposed Ordinance. She does not know if everyone has actually read the Ethics Ordinance, it actually does not include anything related to staff; it is just for elected officials. She does not understand why you would want to have any member of the cabinet in there because it does not rule anything they do. She continued to say the ethics that the State has are part of the ethics that we are proposing, therefore are part of the training. However, if we have two different trainings, because this training ordinance will mandate, it would be easily confused. She expressed that she read the Ordinance but our Ordinance says x, y and z. That is where she thinks the confusion would come and more problems could happen. Ms. Negrón pointed out a few mentioned that our proposed Ethics Ordinance is 30 pages but the first 15 pages are definitions, so the Ordinance is not 30 pages. It is less, and it is stricter than the State. It is about which are we going to vote for and which we will follow. That is why she thinks it should be tabled and made part of the conversation. Ms. Negrón pointed out, as Mr. Martell said, he sees it as a piece, a compliment of a larger comprehensive Ordinance, but we do not have one yet.

President Reynolds noted the idea in her Ordinance is that it covers all City employees and there is a lot of language in there about what is the proper behavior of not just elected officials and City Council but Department Heads too regarding matters such as all the things about the revolving door, who you talk to, when and how long talk to them. All those things are included in there. The Ethics Board she is proposing would oversee all aspects of City government. Department Heads are the people that handle all of the things on a day to day basis, handle the contracts and talk to the people that are doing business with the City every day. Those are the people that are the ones that face these issues more than City Council does.

Ms. Negrón informed she agrees.

President Reynolds noted Ms. Negrón stated she does not understand why the department heads would need the training, but the reason why is because they are the professionals who work here every day, they work with contracts and have to be concerned about gifts. President Reynolds remarked there is a reason why our Police Department, the Legal Department and all our other departments go through training on a regular basis having to do with following the law. He knows that Mayor Donchez and some of his employees have participated in some of the League of Cities programs. President Reynolds mentioned he is not sure if Ms. Negrón understood that the Ethics Ordinance covers the employees; not just elected officials. He continued it is as important, if not more, that he believes that it was the intention

for them to have the training or whatever we pass as far as your Ethics Ordinance is concerned, that they then would have to fall under the umbrella of the Ethics Board as well, just like they now fall under the Board of the State Ethics Commission. Gesturing, President Reynolds expressed it may be possible that what we pass on our side is here and State law is over there, and it may be a situation that someone does something that our Ethics Board does not think is a problem but, the States Ethics Commission do think it is a problem. President Reynolds advised he is not following how it possibly makes sense that City Council, the professionals, the people that work here every day would not want that training.

Ms. Negrón informed our proposed Ethics Ordinance includes everything that is in the State Ethics Ordinance, but it is tougher. As Mr. Martell mentioned she has had a lot of conversations with the State Ethics Board. They do the training directly with elected officials. She remarked if they are going to include others such as staff or people in the community, the training has to change, and it will have to be adapted to who is part of the training. That is because there are different pieces to it. In our proposed Ordinance we went beyond the State code; it is tougher than what is in the State Ordinance and probably any other municipality in the Commonwealth. Ms. Negrón mentioned the State will come and do the training only for what is in the State law, not in our proposed Ordinance. That is why she thinks this will be confusing.

Mr. Colón noted seeing the lack of support he will not be proposing to table this and he will be supporting Mr. Martell's Ordinance tonight and looks forward to furthering the conversation at the forthcoming Committee of the Whole Meeting; not ending the conversation when this goes to second vote in two weeks.

President Reynolds remarked he agrees.

Mr. Callahan apologized to Ms. Negrón and mentioned that from what he recalls we did get the color coded, but what was not marked in there was what was added by the Committee; that is what he was looking for. He does know what was copied and pasted from the State law and he was familiar with that, but he was looking for color coded additions made by the committee that put together the proposal ethics ordinance. He apologized if there was a miscommunication on his part. He also remarked that he has no problem if the residents who participated do not want their names revealed; he does not know why because they should be congratulated for all their hard work, but he does understand.

Mr. Martell informed that Ms. Negrón stated the State Ethics Act does not include public employees but that is not true, it actually does. In the pamphlet it goes over the public employees, so they are included and it would be important for them to be there. Another point to make is we did identify at the Committee of the Whole Meeting that there were some things copied and pasted from the State Ethics code and put in there so that is support for what he is trying to do with this training because there will be guidelines from the State Ethics in your Ordinance. Therefore they can provide this training. Not everything that the State Ethics Ordinance covers is actually in that Ordinance. He pointed out you talk about some things in your Ordinance duplicate whereby the State Ethics would have the jurisdiction over that if they so choose and there are also other things that would not be covered in that, which the State Ethics does and they would have that. Continuing to address Ms. Negrón, Mr. Martell mentioned that you said at that meeting that the State Ethics member suggested that they are

not able to get everywhere and his recollection was that he did not say that. Mr. Martell noted his recollection was what he said was that they really rely on public participation to send them complaints which is important to why this training includes the public and includes discussion on ways in which the public can participate. Also they did mention when he spoke to Ms. Powell that they will, to whatever degree that they can within their Ordinance, steer the seminar to what we feel our needs are. So they will make it longer, they could focus on certain things rather than others and there will be a question and answer period. Mr. Martell mentioned we are all in support of ethics so when he starts to see some of the conversation go away from that he thinks it is important to call everybody back and say we are all having the same conversation, the conversation of how to best get there. We all agree this will be a long process in order to get it right and this is a step, he believes; regardless of what we do in the future it will have merit. The State Ethics Commission will not go away, and should we see a need to for changes, amendments are easy to make.

President Reynolds emphasized that State Ethics law is what the District Attorney and the Attorney General uses as far as whether or not someone has committed an ethical violation.

Voting AYE: Mr. Evans, Mr. Martell, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 6. Voting NAY: Ms. Negrón, 1. Bill No. 16 – 2017 was passed on First Reading.

*B. Bill No. 17 – 2017 – Intermunicipal Cooperation Agreement – East Allen Township*

The Clerk read Bill No. 17 – 2017 – Intermunicipal Cooperation Agreement – East Allen Township, sponsored by Mr. Colón and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF BETHLEHEM AND THE TOWNSHIP OF EAST ALLEN UNDER WHICH THE CITY SHALL PROVIDE BULK SANITARY SEWAGE TREATMENT SERVICES TO THE TOWNSHIP AND INDIVIDUALIZED BILLING AND COLLECTION SERVICES BEHALF OF THE TOWNSHIP.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. Bill No. 17 – 2017 was passed on First Reading.

10. RESOLUTIONS

*A. Authorizing Contract – Celebration Fireworks*

Mr. Colón and Mr. Evans sponsored Resolution No. 2017-110 that authorized a contract with Celebration Fireworks for the July 4<sup>th</sup> Fireworks.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. The Resolution passed.

B. *Certificate of Appropriateness – 451 Main Street*

Mr. Colón and Mr. Evans sponsored Resolution 2017-111 that approved a Certificate of Appropriateness to install a new sign on an existing bracket at 451 Main Street. (The Flying Egg)

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. The Resolution passed.

C. *Certificate of Appropriateness – 711 East Fourth Street*

Mr. Colón and Mr. Evans sponsored Resolution No. 2017-112 that approved a Certificate of Appropriateness to install a new sign at 711 East Fourth Street.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. The Resolution passed.

D. *Approving Resolution – Pending Zoning Text Amendment*

Mr. Colón and Mr. Evans sponsored Resolution 2017-113 that authorized a zoning text amendment in steering the placement of hospitals and hospital-styled uses within the City of Bethlehem as in Exhibit A.

Voting AYE: Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, and Mr. Reynolds, 7. The Resolution passed.

11. NEW BUSINESS

*Primary Election-Wednesday, May 17, 2017*

President Reynolds informed as a reminder the second City Council Meeting in May will be on Wednesday, May 17, 2017 due to Primary Election Day on Tuesday, May 16, 2017.

*Lutheran Manor Traffic*

Mr. Callahan queried if anyone from Lutheran Manor is still at this meeting and asked if it is safe to say that a majority of the traffic is at rush hour or is it all day. He asked Chief DiLuzio if it is possible to have a crossing guard during rush hour.

Chief DiLuzio stated he already set something up and has spoken to them in the hallway and that will be taken care of.

*Committee Meeting Announcement*

Chairman Martell announced the Community Development Committee will be meeting on Wednesday, May 10, 2017 at 5:30 PM in Town Hall. The subject will be the LERTA Renewal until December 31, 2022 and Boundary Modifications (South Side LERTA).

*New Signage and Wayfinding Project*

Mr. Colón complimented the Administration on the beginning of the implementation of the new signage and wayfinding project. Many people have noticed it and have had a lot of nice things to say about it. This is Phase I and there is a lot of public input along the way but everyone deserves credit who worked on that.

12. ADJOURNMENT

The meeting was adjourned at 9:51 p.m.

ATTEST:

City Clerk